

JOURNAL OF THE HOUSE.

Monday, October 31, 2005.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, we begin each day with the intention of trying to serve You, Our Creator, and the people who depend upon our thoughtful decisions, to the best of our ability. Your guidance and assistance enables us to analyze, evaluate and respond to the concerns and needs of the people in our districts. In our diverse communities, help us to unite all people in recognizing current pressing and future problems and issues and in joining together in resolving them in a responsible, fair, ethical and reasonable manner. Inspire us to work together in building civil, open and compassionate communities which serve the needs of the youngest to the needs of the most senior members of society.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Prayer.

At the request of Representative Coughlin of Dedham, the members, guests and employees stood in a moment of silent prayer in memory of Marine Private First Class William "Willie" Guiod of Dedham, who passed away last week in North Carolina after returning from combat duty in Iraq. Willie, the son of Christopher and Martha Guiod, was an athlete and avid runner, besting his fellow marines in a Fourth of July 5K in Iraq.

Silent
Prayer.

Graduating from Dedham High School in 1998, he joined the Marines in 2004 and had been deployed across the globe to Spain, Italy, Israel and Iraq. A personal friend of Representative Coughlin of Dedham, Willie served his country with honor and bravery.

Statement of Representative Fox of Boston.

A statement of Ms. Fox of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Thursday last due to being out of state attending the Health Care Disparity Conference. Had I been present for the taking of yeas and nays numbers 243 to 247, inclusive, I would have voted, in each instance, in the affirmative. Any roll calls that I missed that day was due entirely to the reason stated.

Statement of
Representative
Fox of
Boston.

Statement Concerning Representative Kennedy of Brockton.

A statement of Mr. Rogers of Norwood concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

Statement
concerning
Representative
Kennedy of
Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, will not be present in the House Chamber for today's sitting due to his hospitalization. Any roll calls that he may miss today will be due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

New England
Law Review.

Resolutions (filed by Speaker DiMasi of Boston) congratulating New England Law Review on the occasion of its fortieth anniversary;

Eleanor
Voorhies.

Resolutions (filed by Mr. Eldridge of Acton) congratulating Eleanor Voorhies on the occasion of her ninetieth birthday;

Acton
Lions Club.

Resolutions (filed by Mr. Eldridge of Acton) honoring the Acton Lions Club for their fifty years of outstanding service;

Mary
and Ernest
Henderson.

Resolutions (filed by Ms. Peisch of Wellesley) recognizing Mary Louise and Ernest F. Henderson III as co-founders of the Wellesley Community Center;

Endometriosis.

Resolutions (filed by Mrs. Poirier of North Attleborough) urging increased awareness of endometriosis;

Margaret H.
Mahoney.

Resolutions (filed by Messrs. Timilty of Milton and Nyman of Hanover) congratulating Margaret H. Mahoney on the occasion of her eighty-seventh birthday;

Mouth Horeb
Masonic Lodge.

Resolutions (filed by Mr. Turner of Dennis) congratulating and thanking veterans of the Mount Horeb Masonic Lodge;

Cameron
Henry Brandt
Kerr.

Resolutions (filed by Mrs. Walrath of Stow) congratulating Cameron Henry Brandt Kerr on receiving the Eagle Award of the Boy Scouts of America; and

Jonathan
Cefalu.

Resolutions (filed by Mrs. Walrath of Stow) congratulating Jonathan Cefalu on receiving the Eagle Award of the Boy Scouts of America;

Mr. Rushing of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mrs. Creedon of Brockton presented a petition (accompanied by bill, House, No. 4470) of Geraldine M. Creedon and other (with the approval of the mayor and city council) that the city of Brockton be authorized to convey certain park land to Bay State Gas Company; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Brockton,
park land.

*Papers from the Senate.**Bills*

Establishing a special commission on civic education and learning (Senate, No. 340) (on a petition);

Civic
education,
framework.
Organ
and tissue
donation.

Relative to organ and tissue donations (Senate, No. 2236) (on Senate bill, No. 1240);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the South Middlesex Pre-Release Center, in the town of Framingham, was spread upon the records of the House; and returned to the Senate.

South
Middlesex
Pre-Release
Center,
inspection.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2252) of Robert A. Havern and Charles A. Murphy (by vote of the town) for legislation relative to write-in candidates in the town of Burlington. To the committee on Election Laws.

Burlington,
write-in
candidates.

Petition (accompanied by bill, Senate, No. 2253) of Robert A. Havern and Charles A. Murphy (by vote of the town) for legislation relative to roadways in the town of Burlington. To the committee on Municipalities and Regional Government.

Burlington,
roadways.

Reports of Committees.

By Ms. Rivera of Springfield, for the committee on Public Safety and Homeland Security, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1939) of Walter F. Timilty and others relative to the establishment of exam listings for police applicants for the Department of State Police,—and recommending that the same be referred to the committee on Public Service; and

State
Police.

Of the petition (accompanied by bill, House, No. 1913) of Mark J. Carron for legislation to place the Department of Youth Services under the jurisdiction of the Department of Public Safety,—and recommending that the same be referred to the committee on State Administration and Regulatory Oversight.

Department of
Youth Services.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Ms. Rivera of Springfield, for the committee on Public Safety and Homeland Security, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1872) of Robert K. Coughlin relative to establishing a missing child and adults trust fund;

Children,
missing.

Of the petition (accompanied by bill, House, No. 1892) of Mark V. Falzone relative to requiring carbon monoxide detectors in residential buildings upon sale or transfer;

Buildings,
carbon
monoxide.

Buildings,
carbon
monoxide.Student
transportation.School
buses,
seat belts.Carbone
monoxide.

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Health
care,
access.Content
labeling
program.Workplace,
safety.National
Guard.

Of the petition (accompanied by bill, House, No. 1893) of Mark V. Falzone relative to requiring carbon monoxide detectors in certain residential buildings;

Of the petition (accompanied by bill, House, No. 2132) of Timothy J. Toomey, Jr. and others to promote the use of seat belts and safety in the transportation of students;

Of the petition (accompanied by bill, House, No. 2196) of Edward G. Connolly and Peter V. Kocot relative to requiring seat-belts on school buses;

Of the petition (accompanied by bill, House, No. 3624) of Viriato Manuel deMacedo and others relative to the installation of carbon monoxide detectors in residential buildings; and

Of the petition (accompanied by bill, House, No. 3968) of Mark V. Falzone relative to requiring carbon monoxide detectors in residential buildings upon sale or transfer of such property;

And recommending that the same severally be referred to the House committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the committee.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on Senate, Nos. 678, 680, 682, 683, 684, 685, 686, 689, 696, 697, 698, 699, 701, 704, 705, 706, 707, 708, 711, 712, 715, 720, 721, 722, 723, 724, 727, 729, 730, 731, 732, 734, 736, 738, 740, 743, 744, 745, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 2042 and 2043 and on House, Nos. 1637, 2751, 2758, 2760, 2762, 2763, 2765, 2766, 2767, 2768, 2772, 2773, 2774, 2776, 2777, 2779, 2783, 2787, 2789, 2790, 2883, 2886, 3105, 3627, 3629 and 4279, a Bill promoting access to health care (House, No. 4463)

[First Year Cost:	\$ 25,000,000.00
Total Cost:	\$1,105,550,000.00
Redeployed Funds:	\$ 400,000,000.00
New Revenue:	\$ 705,550,000.00].

Read; and referred, under Rule 33, to the committee on Ways and Means.

Subsequently, Mr. DeLeo of Winthrop, for said committee reported that the foregoing bill ought to pass. Referred, Under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 1387, a Bill to direct the Secretary of Environmental Affairs to implement a voluntary "green dot" recycled content labeling program (House, No. 4466).

By Mr. Rodrigues of Westport, for the committee on Labor and Workforce Development, on Senate, No. 1773 and on House, No. 3753, a Bill to provide A safe workplace for employees of the Commonwealth and its political sub-divisions (House, No. 4451).

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill to extend leave benefits to members of the National Guard (House, No. 211).

By the same member, for the same committee, on a petition, a Bill relative to the Wampanoag Tribe of Gay Head (Aquinnah) (House, No. 579).

By the same member, for the same committee, on House, No. 268, a Bill relative to creditable service for members who served in World War II and the Korean conflict (House, No. 4467).

By Mr. Binienda of Worcester, for the committee on Revenue, on House, Nos. 2414 and 2466, a Bill to exempt small charities from tax upon raffle proceeds (House, No. 2414).

By the same member, for the same committee, on a petition, a Bill relative to the interest on late payments of real estate taxes (House, No. 2474).

By the same member, for the same committee, on a petition, a Bill relative to senior tax relief (House, No. 2511).

By the same member, for the same committee, on House, No. 2385, a Bill relative to the taxation of certain elderly property owners (House, No. 4468).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing "the Welcome Home Bill" for Massachusetts servicemembers, veterans and their families (House, No. 4417, changed) ought to pass with an amendment substituting therefor a Bill with the same title (House, No. 4469). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading with the amendment pending.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill relative to certain roadways of the Department of Conservation and Recreation formerly known as the Metropolitan District Commission (House, No. 3146) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

Reports of the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House, the time within which said committee was required to report having expired:

House bills

To promote public bidding for educational services (House, No. 3492);

To create an appointed superintendent of streets in the town of Lakeville (House, No. 4296) [Local Approval Received]; and

Establishing the Concord Housing Development Corporation (House, No. 4320) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

Wampanoag
Tribe.Armed forces,
creditable
service.Raffle
proceeds.Real estate
taxes.Senior
tax relief.

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Service-
members,
Welcome
Home .M D C
roadways.

Education.

Lakeville.

Concord.

*Orders of the Day.*Third
reading
bill.

The House Bill directing the certification and appointment of Thomas Taylor as a firefighter in the town of Wilmington (House, No. 4209) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third
reading
bill.

The House Bill directing the certification and appointment of Darryl Sencabaugh as a firefighter in the town of Wilmington (House, No. 4210) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Foxborough,
land lease.

The House Bill relative to property in the town of Foxborough (House, No. 4332) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, Mr. Rogers of Norwood moved that it be amended by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Notwithstanding section 16 of chapter 30B, section 3 of chapter 40 of the General Laws and chapter 312 of the acts of 1996 or any other general or special law to the contrary, the town of Foxborough may lease, for a term exceeding 10 years, certain property acquired under said chapter 312 for use as a children’s advocacy center on such terms as the board of selectmen may determine. The property is shown as ‘Lot H-1 Lease Area’ and ‘Lot H-2 Lease Area’ and bounded by the lease lines shown on a plan entitled ‘Site Plan of Land in Foxborough, MA, “Childrens Advocacy Center”,’ drawn by Bay Colony Group, Inc., dated July 18, 2005 with revisions as shown dated September 29, 2005, which is on file with the town clerk. The proceeds or a portion thereof, if any, of the lease shall be used by the town for recreational improvements to achieve no net loss in lands which were acquired for the purposes stated in Amendment Article XCVII of the Constitution.

SECTION 2. No document transferring care, custody, control, and management of the property described in section 1 shall be valid unless such document provides that said property shall be used solely for the purposes of providing for the operation of a children’s advocacy center as described in section 1. The document shall include a reversionary clause that stipulates that the property will revert back to municipal recreational purposes if the property ceases to be utilized for the purposes described in section 1.

SECTION 3. This act shall take effect upon its passage.”

The amendment was adopted; and the bill (House, No. 4332, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recesses.

Recesses.

At a quarter after eleven o’clock A.M., on motion of Mr. Peterson of Grafton (Mr. Petrolati of Ludlow being in the Chair), the House recessed until one o’clock P.M.; and at twelve minutes after one o’clock the House was called to order with Mrs. Harkins in the Chair.

The House thereupon took a further recess, on motion of Mr. Rushing of Boston, until half past two o’clock; and at eighteen minutes before three o’clock the House was called to order with Mr. Petrolati in the Chair.

Order.

An Order (filed by Mr. Scaccia of Boston) relative to special procedures for consideration of the House Bill promoting access to health care (House, No. 4465), having been reported from the committee on Rules, under the provisions of House Rules 7B and 7C, was considered.

Health care
access,
procedures.

Pending the question on adoption of the order, further consideration thereof was postponed, on motion of Mr. Lepper of Attleboro, until one o’clock P.M.

Subsequently, the noon recess and subsequent recess having terminated, the order was further considered.

Mr. Jones of North Reading and other members of then moved that the order be amended in the first paragraph by striking out the following: “12:00 noon on Wednesday, November 2” and inserting in place thereof the following: “5:00 P.M. on Thursday, November 3”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 20 members voted in the affirmative and 131 in the negative.

Amendment
rejected,
yea and nay
No. 248.**[See Yea and Nay No. 248 in Supplement.]**

Therefore the amendment was rejected.

Miss Reinstein of Revere then moved that the order be amended by striking out proposed Rule 73E. After remarks the amendment was rejected.

On the question on adoption of the order, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 129 members voted in the affirmative and 31 in the negative.

Order
adopted,
yea and nay
No. 249.**[See Yea and Nay No. 249 in Supplement.]**

Therefore the order (House, No. 4465) was adopted.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M.

Next
sitting.

In Memory of Jane W. O'Brien.

Mr. Nyman of Hanover then moved that as a mark of respect to the memory of Jane W. O'Brien, a member of the House from Hanover from 1991 to 1998, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eighteen minutes after three o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.